

# **EXHIBIT D**

CAUSE NO. 2024-34589

COAST TO COAST TITLE, LLC,	§	
SOL CITY TITLE, LLC, MAGNOLIA	§	
TITLE ARKANSAS, LTD.,	§	
MAGNOLIA TITLE FLORIDA, LLC,	§	
THE PEABODY BULLDOG, LLC,	§	
AND JOHN MAGNESS	§	IN THE DISTRICT COURT OF
	§	
v.	§	
	§	
TYRELL L. GARTH, PHILLIP H.	§	
CLAYTON, DEBBIE MERRITT A/K/A	§	HARRIS COUNTY, TEXAS
DEBORAH MERRITT, MATTHEW	§	
D. HILL, CHARLES BURNS, P.	§	
GARRETT CLAYTON, SCOTT M.	§	
REEVES, ARIANE E. YOUNG,	§	
TINGLEMERRITT, LLP STARREX	§	11 <sup>TH</sup> JUDICIAL DISTRICT
TITLE FLORIDA, LLC, LAURIE	§	
COOPER, MARKETSTREET	§	
CAPITAL PARTNERS, LLC,	§	
MARKETSTREET CAPITAL	§	
PARTNERS AR, LLC, AND BRIAN	§	
A. BREWER	§	

**DEFENDANT LAURIE COOPER'S SPECIAL APPEARANCE MOTION**  
**TO CHALLENGE JURISDICTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Laurie Cooper and makes this Special Appearance motion under Tex., R.Civ. P. 120a for the purpose of objecting to the jurisdiction of the court over the person and property of Defendant Laurie Cooper and as grounds shows the following:

**I. SCOPE AND GROUNDS**

1. **Scope** - This special appearance is made to object to the court's jurisdiction over Defendant Laurie Cooper with respect to the entire proceeding.
2. **Special Appearance Motion Filed First** - Defendant Laurie Cooper has filed this special appearance motion before any other plea, pleading, or motion.

3. The Court does not have personal jurisdiction over Cooper because:
- a. Cooper is not now and has never been a resident of or domiciled in Texas.
  - b. Defendant does not have a bank account in Texas;
  - c. Defendant has not formed or operated a business in Texas;
  - d. Neither Defendant's employment nor employer is located in Texas;
  - e. Defendant did not owe a fiduciary duty to a Texas plaintiff, but to entities which have never registered to do business in Texas;
  - f. Defendant does not own any Texas entities or businesses;
  - g. Defendant did not advertise or solicit business from Texas residents;
  - h. Defendant does not maintain any agents for service of process in Texas.
  - i. Defendant does not own an interest in any assets in Texas.
  - j. Defendant never had employees in Texas;
  - k. Defendant never applied for or obtained any professional or occupational licenses in Texas;
  - l. Plaintiffs did not maintain proprietary data;
  - m. Defendant has not entered into any contract in Texas.
  - n. Defendant does not have any contracts with Texas entities for performing services in Texas;
  - o. Defendant has not consented to jurisdiction in Texas and Texas asserting jurisdiction over Cooper was not reasonably foreseeable;
  - p. Defendant has not committed a tort, in whole or in part, in Texas;
  - q. Defendant has not purposefully availed herself of the privileges and benefits of conducting business in Texas;

- r. Plaintiffs fail to disclose the physical location of the servers they allege “hosted” the data and information they accuse Cooper of misappropriating and instead make bare allegations the data and information was “Hosted on computer systems in Texas....” ;
  - s. Defendant does not have minimum contacts with Texas sufficient to confer personal jurisdiction over her.
- 4. • The defendant is not subject to jurisdiction under the Texas long-arm statute relied on by the plaintiff. *See Guardian Royal Exch. Assur., Ltd. v. English China Clays, P.L.C.*, 815 S.W.2d 223, 226 (Tex. 1991). *Kawasaki Steel Corp. v. Middleton*, 699 S.W.2d 199, 201–03 (Tex. 1985).
  - 5. • The defendant's contacts with Texas are not sufficient to satisfy constitutional due process requirements for the exercise of personal jurisdiction over a nonresident defendant. *See Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472–74 (1985); *BMC Software Belgium, N.V. v. Marchand*, 83 S.W.3d 789, 795 (Tex. 2002).

### **PRAYER**

WHEREFORE, Defendant Laurie Cooper requests that the court set this motion for hearing on notice to Plaintiffs and all other parties, and that after hearing, the court grant this motion and dismiss the entire proceeding for want of jurisdiction over Defendant Laurie Cooper.

Respectfully submitted,

STILWELL, EARL & APOSTOLAKIS, LLP

By: /s/James E. Graham

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**CERTIFICATE OF SERVICE**

This Special Appearance was served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on the 22 day of July, 2024.

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**UNSWORN DECLARATION OF LAURIE COOPER**

My name is Laurie Cooper, my date of birth is [REDACTED], and my address is  
235 Cocoanut Ave, Sarasota, FL 34236. I am an individual and a resident of  
the State of Florida. I declare under penalty of perjury that every statement in the foregoing  
Special Appearance Motion to Challenge Jurisdiction is within my personal knowledge and is  
true and correct.

Executed in Sarasota County, State of Florida, on the 22nd day of July, 2024.

*Laurie Cooper*  
Laurie Cooper

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Heather Scott on behalf of James Graham

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Status as of 7/23/2024 8:58 AM CST

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